



European
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Kosovo

REGULATION

ON THE IMPLEMENTATION
OF THE RIGHTS OF CHILDREN
THROUGH A CHILD FRIENDLY
MUNICIPAL GOVERNANCE SYSTEM





REPUBLIKA E KOSOVES
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REPUBLIC OF KOSOVO

KOMUNA E _____
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MUNICIPALITY OF _____

REGULATION

ON

*THE IMPLEMENTATION OF THE RIGHTS OF CHILDREN THROUGH A
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The content and views of the “Regulation on the implementation of the rights of children through a child friendly municipal governance system” publication are the sole responsibility of the Coalition of NGOs for Child Protection KOMF, and do not necessarily reflect the official opinion of the European Union.

This model is based on the Regulation on the implementation of the rights of children through a child friendly municipal governance system, which has been adopted by the Municipality of Gjakova in frame of the Project “Gjakova child friendly municipality”, supported by UNICEF Office in Kosovo.

Coalition of NGOs for Child Protection (Kosovo) is a coalition composed of 27 local and international NGOs working in the field of child protection, with a joint mission to advocate for and protect the rights of children in Kosovo. The Coalition works to promote protection, respect, well-being and the advancement of the rights of children, advocating to influential institutions to promote and develop the rights of children in accordance with CRC. www.komfkosova.org/

The member organisations of the Coalition of NGOs for Child Protection in Kosovo are:

Asociacioni për Trajnime Sociale Hulumtime dhe Avokim – ASTRA • Aksioni për Nëna dhe Fëmijë • Balkan Sunflowers Kosova • Childproof - CIPOF • Education Comes First • Iniciativa 6 • Kosovo Education for Sustainable Developmen • HANDIKOS • Kosovo Rehabilitation Center for Torture Victims KRCT • Organizata Rinore Akti • Organizata për Fëmijët pa Kujdes Prindëror • One To One Kosova – Qendra e Këshillimit për Familje • One to One Children’s Fund • OPFAKKOS • Programi për të Drejtat Civile – CRP/K • PL4Y International • Qendra për Edukim e Kosovës – KEC • Qendra për Mbrojtjen e Viktimave dhe Parandalimin e Trafikimit me qenie njerëzore – MVPT • Qendra për Studime të Avancuara – FIT • Save the Children • SOS Fshatrat e Fëmijëve Kosovë • Shpresa dhe Shtëpi për Fëmijët Kosovë – SDSF • Shoqata e të Drejtave të Pacientëve në Kosovë – PRAK • Terre des hommes • The Ideas Partnership • VoRAE and World Vision.

INTRODUCTION

The provided model “Regulation on the implementation of the rights of children through a child friendly municipal governance system” has been carried out as a conclusion of a one-year process during which KOMF through the provision of seven sub-financing grants to NGOs in seven municipalities has supported the process of drafting Municipal Regulations on the Rights of Children including the Strategy and the Action Plan on the Rights of Children in the following municipalities: Pristina, Drenas, Fushë Kosovë, Lipjan, Gjilan, Ferizaj and Peja.

COMF would like to thank the Mayors of the seven municipalities and their respective staff for all their efforts and support provided during this process, the non-governmental organizations that have run the processes of drafting the above-mentioned documents, representatives of municipalities and NGOs, including local experts involved in collecting and analyzing the data, and in drafting the Municipal Regulation and the Strategy and the Action Plan on the Rights of Children.

This model has been provided to raise the awareness and commitment of the municipalities in order to put in the center of their attention and reinstate as a priority in their municipal governance agenda the issues dealing with and related to children. This document provides the opportunity for every municipality to engage and address issues related to children, aimed at implementing all the rights of children.

This regulation in itself constitutes a vision and the ambition of a child friendly municipality, aimed at participation, realization of the rights, fulfillment of children’s full potential and an additional opportunity for children to grow in safety, healthy and happy in the environments and communities where they develop their existence.

This Regulation is provided as a reference model to all municipalities of Kosovo, giving them an opportunity to replicate the process and the drafting of the Municipal Regulation and the Strategy and the Action Plan on the Rights of Children within their municipalities.

The Municipal Assembly of _____ pursuant to Article 11, Article 12, paragraph 12.2, point c) and Article 17, point s) of the Law no. 03/L-040 on Local Governance (“Official Gazette of the republic of Kosovo”, no. 28/2008) and Article _____ of the Statute of the Municipality of _____, in a meeting held on _____, following discussions on the point _____ of the agenda: Discussions related to the draft Regulation on the Implementation of the Rights of Children through the Child Friendly Municipal Governance System adopted this:

REGULATION

ON

THE IMPLEMENTATION OF THE RIGHTS OF CHILDREN THROUGH A CHILD FRIENDLY MUNICIPAL GOVERNANCE SYSTEM

(FOR E CHILD FRIENDLY MUNICIPALITY)

GENERAL PROVISIONS

Article 1

Aim and scope

1. This regulation defines the measures for the implementation of children’s rights (girls and boys) in the municipal governance system and contributes to the creation of a child friendly municipality.
2. Provisions of this regulation apply to all children, particularly to excluded and vulnerable children (regardless of their race, color, gender, language, religion, political or other opinion, ethnicity, property, disability, family background of children, their parents or their legal guardians) and include all institutions which are under the administration of the municipality of _____ or operate at municipal level, as long as their autonomy is not violated in accordance to the law.
3. This regulation is a contribution to ensure that _____ is building and equal and inclusive society step by step.

Article 2

Definition of child

1. Child is considered any person under the age of 18.
2. Children up to the age of 18 enjoy all human rights as set forth in the Convention on the Rights of the Child approved by the General Assembly of the United Nations and other applicable Conventions and Standards that provide for the progressive implementation of their rights.

3. Children are a special category of persons who, due to their age, physical and intellectual development and maturity, have to realize their rights with the support of adults. Parents, families, guardians and local governance institutions bear the responsibility for the realization of children's rights to ensure special care for them, including adequate legal protection before and after they are born.

Article 3

General principles on children's rights

1. The United Nations Convention on the Rights of the Child (hereinafter referred to as "the Convention") obliges States to protect the rights of children in full as stipulated in the Convention.
2. The Constitution of the Republic of Kosovo, its legislation and by-laws are guided by the principles of the Convention:
 - 2.1. **Non-Discrimination** - means that all children covered by the applicable legislation enjoy equal rights regardless of their race, color, gender, religion, political opinion, ethnic and social belonging, and economic status of the child, parents or legal guardian.
 - 2.2. **The best interests of the child** - means that in case of any decision by the institutions, first and foremost, the best interest of the child who is subject of the decision shall be taken into account.
 - 2.3. **The right to life, survival and development** - means to ensure a qualitative life for children, not only in physical aspect, but also in the mental, emotional, social and cultural aspects.
 - 2.4. **The views of the child** – means the freedom of children to express their views on issues relevant to them, and the obligation of institutions to listen to these views and take them into account when making decisions which affect these children, always in accordance to level of the child's development.

Article 4

Child friendly municipality

1. Child Friendly Municipality is a good local governance system committed to implement fully the Convention and translate the Convention into daily practice.
2. Child Friendly Municipality guarantees each child that he/she shall:
 - 2.1. Influence on or participate in the decisions of his/her municipality;
 - 2.2. Express views for the municipality he/she lives in;
 - 2.3. Participate in the family, community and social life;
 - 2.4. Receive the most important services such as health care, education and alternative care;

- 2.5. Drink clean water and have access to proper hygiene;
- 2.6. Be protected from exploitation, violence and abuse or any other threatening risk because of age or gender;
- 2.7. Walk safely in the streets of the town;
- 2.8. Meet and play with peers;
- 2.9. Have sufficient green areas;
- 2.10. Live in a clean environment;
- 2.11. Participate in cultural, sports and recreational events;
- 2.12. Be an equal citizen of the municipality, and have access to any service without being discriminated.

GENERAL PROVISIONS

Article 5

Responsibilities related to the rights of children

1. The implementation of children's rights is primarily the responsibility of the family and central and local institutions.
2. Municipal institutions and public officials working in the field of children's rights, central level institutions operating at a municipal level and any other entity related to children - have a social and legal responsibility to engage in the protection and promotion of children's rights in accordance with the concept of a child friendly municipality.
3. The institutions responsible for the protection and promotion of children's rights in a municipality include (but are not limited to) these parties:
 - 3.1. The Mayor of the municipality, the Municipal Assembly and municipal directorates;
 - 3.2. Line Ministries with broad or delegated powers;
 - 3.3. Justice institutions (Police, Prosecution, Courts, Kosovo Probation Service, Kosovo Correctional Service, etc.);
 - 3.4. Human Rights office in a municipality;
 - 3.5. Center for social work;

- 3.6. Multi-disciplinary round-tables for support in managing cases;
- 3.7. Health institutions;
- 3.8. Public and private pre-university education institutions;
- 3.9. Clubs, sports and artistic associations;
- 3.10. The institution of the Ombudsperson;
- 3.11. Village and urban neighborhood councils;
- 3.12. Associations of parents;
- 3.13. Civil society organizations;
- 3.14. International organizations' offices and units in a municipality;
- 3.15. Professional associations;
- 3.16. Other bodies (formal and non-formal) which have, as a primary goal, the promotion and overall social protection and well-being of all children.

Article 6

Coordination mechanism on the rights of children

1. The Municipal Coordination Mechanism serves as a platform or a path to set priorities and quality assurance systems for shaping issues and solutions for children, particularly to put in practice the commitments and actions of the existing policies.
2. The Municipal Coordination Mechanism creates an environment of opportunity to prepare own development plans, including budget planning, and monitors the implementation of their programs defined in the strategy and action plan.
3. The Mayor establishes, through a decision, the municipal coordination mechanism for the protection and implementation of children's rights.
4. The coordination mechanism consists of representatives of the institutions defined in Article 5 of this Regulation.
5. The Coordination mechanism is led/chaired by the Director of Health and Social Care Directorate.
 - 5.1. The Human Rights Office organizes the activities of the Coordination Mechanism.

6. The Coordination Mechanism shall:

- 1.1. Promote the concept of a child friendly municipality and the practices defined according to the established tools and instructions;
 - 1.2. Ensure coordination of policies which affect children;
 - 1.3. Ensure that legal acts at local level promote and protect children's rights;
 - 1.4. Perform periodic self-assessments resulting in actions and policies that ought to be undertaken by municipal institutions in order to create a child friendly municipality;
 - 1.5. Lead the process of drafting the municipal strategy and the action plan for children on a periodic basis and follow up its implementation based on the self-assessment of the municipality;
 - 1.6. The municipal strategy and the action plan on children's rights are approved by the Municipal Assembly;
 - 1.7. Provide a communication system to enable the flow and exchange of information between municipal institutions and specific units of relevant institutions responsible for issues related to children;
 - 1.8. Make recommendations to act in protecting and promoting children's rights;
 - 1.9. Make recommendations for moving children or children in asylum center.
7. The Coordination Mechanism does not exclude the establishment of other entities, teams and bodies, within this mechanism, temporary or permanent, focused on specific aspects of children's rights. However, the latter should keep in contact with the bodies established, report on their work and receive advice and recommendations from the coordination mechanism.

Article 7

Multi-disciplinary Round-table for Support in Managing Cases

1. Multi-disciplinary round-table for support in managing cases is established in the municipality of _____, at their level of professionals according to the legislation in force.
2. Multi-disciplinary round-table for support in managing cases is led by the manager of a case, in coordination and interaction with structures and services responsible for child protection.

Article 8

Evaluation of impact on children

1. Municipality develops a process for assessing the impact of policies, legislation, strategies and action plans and programs for children.

2. This process assesses the situation of all children, with particular attention to children from vulnerable groups.
3. Ensures that impact assessment on children starts very early, during the situation analysis and formulation of interventions in order to have an impact on decision-making.
4. Performs a regular assessment of the impact of different aspects of local governance on children.
5. Provides room for independent assessment process related to the impact of policies on practices and services for children.

Article 9

Regular reporting system on the situation of children

1. The Mayor reports to the Municipal Assembly regarding the work and the functioning of the coordination mechanism on the children's rights.
2. The coordination mechanism defines the indicators and the data that are priorities of the municipality for children and their interests.
3. The municipality defines the roles and responsibilities of all municipal institutions regarding data collection and reporting by relevant sectors which are related to Sustainable Development Goals. In case the municipality does not have sufficient data, they are obliged to obtain them in cooperation with the central level.
4. The municipality nominates a unit responsible in the municipality to ensure important data and report regularly on the status of the indicators, which are obtained from responsible municipal institutions and report officially on annual basis.
5. The municipality uses the reports effectively to develop policies, municipal strategies, action plans and budgeting for children and, based on the needs, request from responsible units to update the data and reports timely.
6. Based on municipal development trends, the coordination mechanism reviews the indicators and reports periodically in order to review them based on the needs.

Article 10

Budgeting for children

1. The municipality develops a process of analyzing budget needs for children in the respective municipality, based on the process of assessment and reporting. This process includes:
 - 1.1. Identification whether children have been receiving the appropriate share of the resources in services from public investments, where distribution is administered at the national level;

- 1.2. Identification of the needs for social services for children and support to the planning through the municipal budget.
- 1.3. Proper analysis of the overall municipal budget and its elements in order to follow up on the part of the budget spent on children, and the use of evidence generated to invest in children.
2. The municipality develops a municipal budget planning process which is transparent and based on consultations with the parties, including children. This budget reflects the needs for allocating resources for children in all aspects of municipal governance.
3. The municipality conducts an analysis the budget allocation for children over the years and presents the trends of budget allocations for children.

Article 11

Promoting children's rights and making their issues more visible

1. The municipality undertakes clear measures to promote and respect the rights of children, both by children and adults.
2. Measures for the promotion of children's rights include (but are not limited to):
 - 2.1. Organizing trainings on children's rights for the management and officials of the municipality;
 - 2.2. Inclusion of topics related to children's rights and the Convention on the Rights of the Child in the school-based curriculum;
 - 2.2. Inclusion of topics related to promotion and respect for children's rights in pre-service and in-service training programs for persons working with or working for children at the municipal level.
3. Regular assessment of knowledge among adults and children related to children's rights.
4. Promoting the work of institutions which have a legal mandate to promote, monitor and protect children's rights.
5. The municipality establishes partnerships with central institutions including civil society organizations, youth groups and media to promote children's rights.

Article 12

Quality of services for children in need

1. The municipality undertakes measures to provide quality services to children in need based on the legislation in force.
2. The municipality cooperates closely with civil society organizations licensed to provide social services based on the legislation in force.

Article 13
Independent advocacy for children

1. The municipality establishes a sustainable partnership system with civil society organizations and other independent institutions which advocate for the rights of children. In this regard:
 - 1.1. Civil society organizations are given adequate support to develop their capacities in order to influence in decision-making independently in the area of children's rights;
 - 1.2. Youth and children's organizations are encouraged and supported;
 - 1.3. The establishment of independent institutions on children's rights is facilitated;
 - 1.4. Regular communication with civil society organizations and independent institutions is maintained in order to have a clear situation of children in the municipality from another perspective.
1. The Municipal Assembly organizes at least one annual session to discuss issues related to children's rights based on the situation report on children under Article 9, paragraph 4 of this Regulation.
2. The municipality organizes "child friendly days" (at least 3 days per year), and discusses issues related to children's rights.

Article 14
Participation of children

1. The municipality ensures active participation of children on cases of interest to them in every decision-making process at the municipal level. All public officials, institutions and municipal units are obliged to reflect this in their work.
2. Education institutions enable teaching and learning and active participation practice through school curricula and extra-curricular activities, and in coordination with relevant sector institutions that are in direct contact with children during the provision of services to them (health, social welfare, justice, etc.).
3. Education, cultural and sports institutions promote the establishment and functioning of youth and children's organizations.
4. Administrative and judicial bodies in the municipality when taking a decision on the cases which affect children, shall take into consideration the views of children, and in accordance with the practices and guidelines defined in the existing legislation and appropriate to children's age.
5. Meaningful participation of children is ensured in the process of assessing the impact of laws, policies and practices on children, in the process of reporting on the situation of children in the municipality, in the process of budgeting for children and in the promotion of the rights of children among children and adults.

6. In order to ensure participation of children, the municipality takes into consideration and interacts regularly with the Municipal Assembly of Children as a primary body which represents directly the opinions and the position of all children, particularly the most vulnerable ones.

FINAL PROVISIONS

Article 15

Procedures for the implementation of the Regulation

1. The coordination mechanism (or any other municipal or independent body) monitors the implementation of this regulation and drafts annual reports related to the level of its implementation.
2. The Municipal Assembly reviews and approves the annual report of the coordination mechanism related to the level of implementation of the Regulation, and in case of it is not implemented, the Municipal Assembly takes a decision regarding possible measures to ensure its full implementation.
3. In case the duties related to the implementation of the Regulation are not implemented by public officials, the relevant municipal bodies take appropriate measures in accordance with municipal procedures.
4. Within three (3) months from the entry into force of this Regulation, the Mayor issues the decisions pursuant to Article 6, paragraph 3 and Article 9, paragraph 3 for the implementation of this Regulation.

Article 16

Entry into force

This regulation shall enter into force seven (7) days after being published in the web-page of the Municipality of _____.

No. _____

Chairman of the Municipal Assembly

_____, date: _____

Z.



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